

**MEMO ENDORSED**



BRYAN CAVE LEIGHTON PAISNER LLP  
Three Embarcadero Center  
7th Floor  
San Francisco CA 94111 4070  
T: +1 415 675 3400  
F: +1 415 675 3434  
[bcplaw.com](http://bcplaw.com)

September 27, 2023

Hon. Jessica Clarke  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

**Filed by ECF**

**Re: Joint Letter Request to Extend Discovery Deadlines**  
***Ornua v. Abbey*, Case No. 1:23-cv-01212**

Dear Judge Clarke:

Counsel in this matter jointly file this letter motion requesting that the Court extend current discovery and dispositive motion deadlines by approximately 60 days. The current and proposed deadlines are set forth below:

Task	Current Deadline	Proposed Deadline
Rule 30(b)(6) Deposition of Def. Abbey	Sep. 30, 2023	Nov. 30, 2023
Def. Abbey's Motion for Summary Judgment	Oct. 31, 2023	Jan. 8, 2024
Pl. Ornua's Response	Nov. 21, 2023	Jan. 29, 2024
Def. Abbey's Reply	Nov. 28, 2023	Feb. 5, 2024

As grounds for this request, the parties state as follows:

This is a trade dress dispute over butter packaging. Ornua owns the Kerrygold brand. Abbey owns Tipperary. Judge Oetken ordered a shortened discovery period limited to the issue of likelihood of confusion under the *Polaroid Factors* to conclude on August 31, 2023. The Court's order of May 31, 2023 set the following deadlines: "Deposition due by 9/30/2023. Discovery due by 8/31/2023. Motions due by 11/21/2023. Replies due by 11/28/2023."

Since that time the parties have produced their initial Rule 26(a)(1) disclosures, exchanged written discovery, answered interrogatories under Rule 33, and produced documents responsive to Rule 34 requests for production. The parties are currently in the process of working to resolve certain outstanding discovery disputes related to their responses to Rule 34 document requests and related document production. In the event the parties are unable to resolve the disputes, they will file a joint letter under Section 4.k. of Your Honor's Individual Rules and Practices in Civil Cases.

To allow the parties sufficient time to resolve the outstanding disputes and complete their document discovery before taking Abbey's deposition and filing any dispositive motion, the

Re: Joint Letter Request to Extend Discovery Deadlines  
September 27, 2023  
Page 2

BRYAN  
CAVE  
LEIGHTON  
PAISNER **BLP**

parties respectfully request a roughly 60-day extension of the existing case deadlines. This is the first request to extend these deadlines and the requested extension will not impact any other deadlines. The parties are not currently scheduled to appear before the Court on any date.

Sincerely,



**Timothy Reynolds**  
Counsel for Ornua

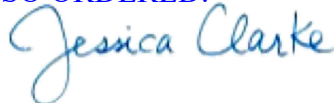
Sincerely,



**Stephen L. Baker**  
Counsel for Abbey

Application GRANTED. The Rule 30(b)(6) deposition of Defendant must be completed by November 30, 2023. Defendant's motion for summary judgment is due by January 8, 2024; Plaintiff's opposition is due by January 29, 2024; any reply is due by February 5, 2024. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 40.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: September 28, 2023  
New York, New York